Total Filings Drop 3%; Felonies Jump 93%

DUI REPORT: FEWER CASES, MORE FELONIES

Fewer drunken driving cases came into the Idaho trial courts during 1987 than in 1986. Calendar year 1987 saw DUI filings drop 3% from 12,421 in 1986, to 12,008. Since the new DUI law was enacted in 1983, DUI cases had been declining until 1986, when there was an increase of 8% over the previous year.

STATEWIDE DUI FILINGS
1975 THROUGH 1987

YEAR	FELONY	MISDEM.	TOTAL DUI
1975	223	6,288	6,511
1976	236	6,614	6,850
1977	280	7,561	7,841
1978	263	7,628	7,891
1979	321	8,234	8,555
1980	339	9,343	9,682
1981	34	10,153	10,517
1982	422	11,239	11,661
1983	515	12,054	12,569
1984	90	12,386	12,476
1985	36	11,361	11,397
1986	177	12,244	12,366
1987	341	11,667	12,008

With 1987's decline, court officials are hopeful that the sharp rise in DUI filings in 1986 did not indicate a long-term trend.

The "New" DUI Law

In 1983, the Idaho Legislature passed a "tough" new law to deter drunken driving. Immediately after the new law took effect on July 1, 1983, DUI charges dropped sharply statewide, offering hope that tougher sentences were discouraging drivers from drinking. Misdemeanor DUI complaints rebounded slightly in 1984 and again increased in 1986, but when adjusted for changes in the felony statutes, were still less than in pre-law (before the DUI law went into effect) days. In 1986, DUI complaints increased for the first time since the new law went into effect. This increase raised concerns as to whether the educational effort and increased activity of law enforcement was having a significant effect.

Felonies Way Up

The new DUI law allows prosecutors to upgrade a misdemeanor to a felony only when prior DUI convictions occurred after July 1, 1983. Thus, DUI defendants who might otherwise have been prosecuted on a felony charge, were given a clean slate as of that date. As a result, the number of DUI felony complaints first dropped dramatically beginning on July 1, 1983, to 90 complaints, but have risen steadily since. In 1987, 341 felony charges were filed throughout Idaho, up 93% from 1986.

While it was anticipated that felonies would decline immediately after the passage of the new law, it was also expected that they would increase again in succeeding years as defendants accumulated multiple DUI charges. The steady increase in felony DUI filings since 1984 seems to confirm that expectation.

More Trials

The number of DUI cases going to trial, which had increased from about 3% in "pre-new law" days, to 12% in December of 1983, appears now to have stabilized once again at about 3% of the dispositions statewide in 1987.

More Jail Time

Defendants convicted of DUI charges continue to receive sentences of incarceration at higher rates than before the new law went into effect. Although some sentences are suspended, 81.2% of the defendants who appeared before a judge for sentencing on misdemeanor DUI charges, were sentenced to jail in 1987, up from 77.7% in 1986. Prior to the new DUI law, only 43% of the defendants appearing before a judge received a sentence including incarceration.

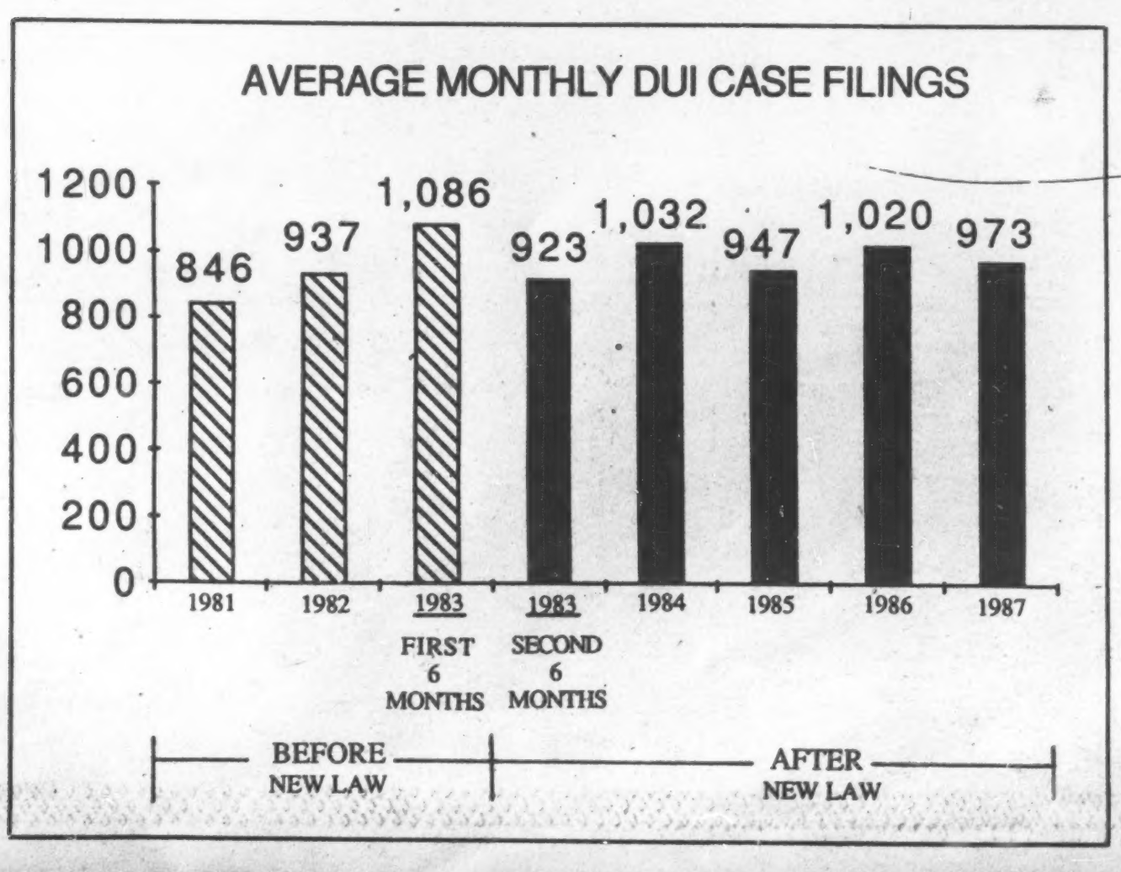
Plea Bargaining

About 67.2% of the DUI defendants pled guilty to DUI charges in 1987, down 10.8% from the 78% average of defendants who pled guilty prior to the new law.

The number of defendants pleading guilty to reduced or amended charges--"plea" or "charge bargains"--appears now to have stabilized at 19% of total disposition, up from 17% in 1986. In Ada County, the number of defendants pleading guilty to a reduced or amended charge has dropped from a high of 42.3% in December of 1983, to an average of 23.3% in 1987.

Cause Uncertain

It is impossible to determine through statistics the exact causes for increases or decreases in DUI complaints. Court caseloads can be influenced by the level of law enforcement activities, which in turn can be influenced by local government budgets. Hopefully, the decrease in DUI cases reported during 1987 shows that tough penalties, increased law enforcement, and public education can combine to take the drinking driver out of the courts, and off Idaho's roads.



TRIAL COURT FILINGS . . .

(Continued from page 3) division averaged 4,751 dispositions per judge.

Of the civil cases which received final judgment in the trial courts in 1987, 22,921 or 44% were disposed of with a trial or court hearing. On the criminal side, 95.1% of these cases were disposed of through pleas or dismissals, while 13,409 or 4.8% received a court or jury trial.

Magistrate Appeals

To speed up the processing of small claims appeals, from the magistrate division to district court, the responsibility for processing small claims appeals was shifted from district judges to lawyer magistrates on July 1, 1985. At the outset, this change did result in some relief to the district bench. However, other types of appeals from the magistrate division to the district court continued to compromise a significant workload. In 1987, the district courts received 545 non-small claims appeals from magistrate decisions, up 20.8% from the 451 non-small claims appeals filed in 1986. District judges disposed of 514 magistrate division appeals in 1987, leaving 318 appeals pending at the end of the year.

Details Available

Upon request, interested parties may obtain from the Administrative Office of the Courts; detailed summaries by case type, showing filings, dispositions, and pending cases for the district court and magistrate division statewide, by district and by county.

Software Selected For Trial Courts

COURT AUTOMATION ON TARGET

Judges and clerks throughout the state may soon have available to them, a uniform set of computer programs which automate the daily operations and recordkeeping activities of the trial courts. A pilot project, now being tested in Minidoka County, could give Idaho the best statewide trial court computer system in the U.S.

Early Leadership

Since the early 1970's, Idaho has been a leader in court automation. A statewide computer information system--CLASS--was one of the first in the nation to produce automated reports on the status of every trial court case. It is this system which today enables Idaho judges to monitor their caseloads and compare their progress against national time standards.

In the mid-1970's, the judiciary automated all of its appellate court operations, producing what remains today one of the best computerized appellate court information systems in the country. But one task was still undone: automating the manual procedures and recordkeeping in the trial courts.

Committee Appointed

In 1986, a special blue ribbon committee consisting of district court clerks, judges, and court administrators was appointed to begin the development of a model trial court information system. Tapped to chair the Committee was Fifth District Judge J. William Hart, whose residence county, Minidoka County, was selected as the pilot site for system implementation.

During 1987, the Committee begin an exhaustive examination of existing software packages. At the heart of the system would be a computerized register of actions. Such a system would be capable of storing and retrieving needed court records; preparing notices to all parties, as well as producing bench warrants, subpoenas and summonses; preparing accounting records on court fees and fines; monitoring outstanding receivables; and preparing personalized calendar management reports for individual judges, including status conference lists, pretrial and trial calendars. In addition, the system would provide statistical reporting to the Supreme Court and disposition reports to law enforcement and licensing agencies, as a by-product.

Multi-State Search

In its search for a software system, the Model Trial Court Information System Steering Committee examined the status of trial court automation in Idaho and 12 other western states. In addition, 10 software systems developed by private firms were considered.

After several site visits and software comparisons, the Steering Committee voted unanimously to pick software developed by National Equipment Corporation (NEC) of Albuquerque, New Mexico.

In the fall of 1987, installation was begun in Minidoka County. Testing of the pilot system will take place in mid-1988, when the Steering Committee and court officials will decide whether to install the new software in other Idaho counties.

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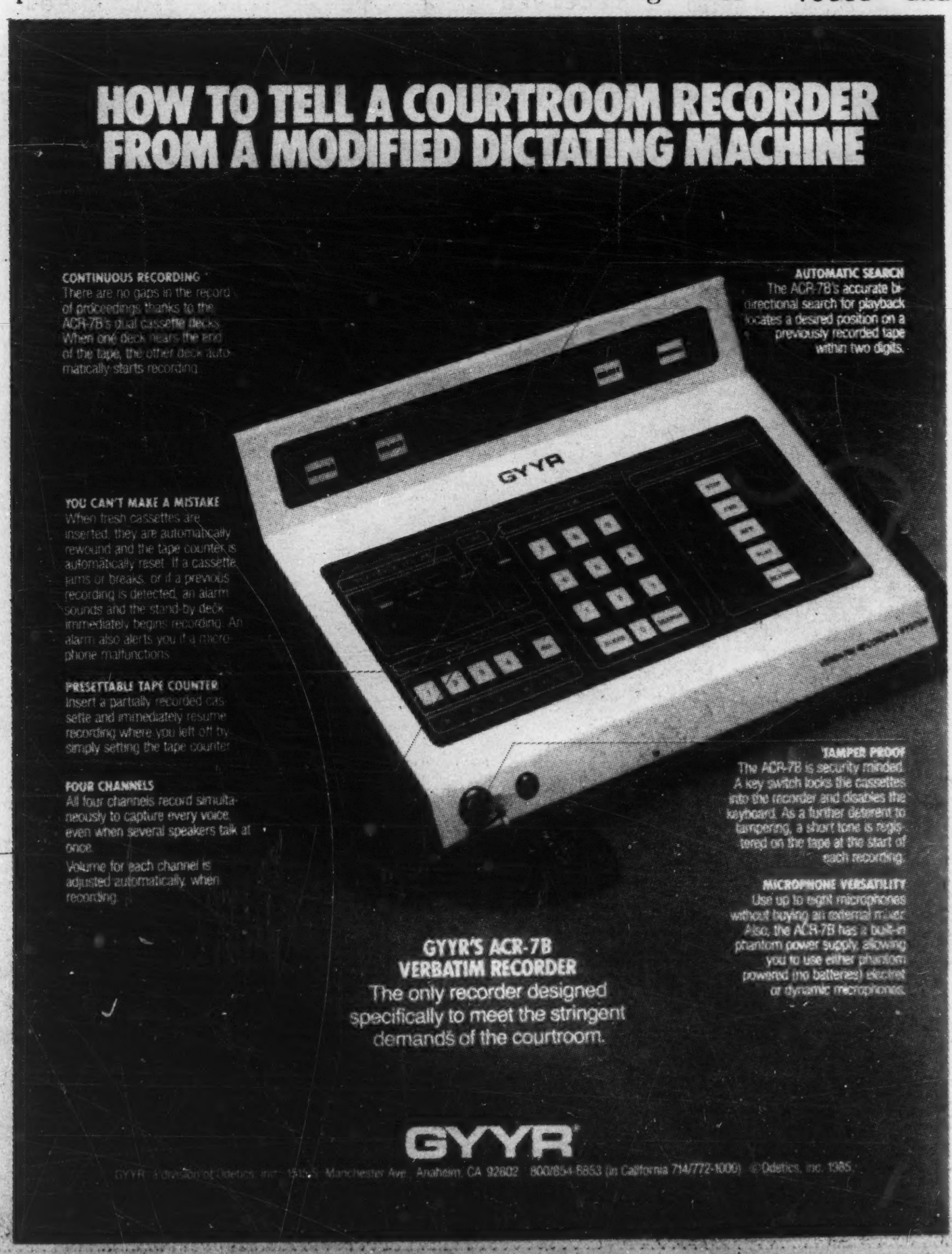
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Merit Selection Emphasized

MAGISTRATE SELECTION STANDARDS SET

Magistrate Commission members now receive more than just a certificate of appointment when they take on one of the most important jobs in the judiciary. Thanks to a project completed in 1987, Commission members receive an orientation manual covering the full range of their duties, have clear standards for their tasks, and most have attended training programs in their judicial districts.

Selecting Magistrates

Idaho's magistrate judges are appointed by each of the seven Magistrate Commissions, one in each judicial district. Once appointed, magistrates periodically stand for retention election, based on their record as a judge, without an opponent. Magistrates in Idaho hear most of the court cases, and have the greatest contact with the public. Thus, the initial selection of a magistrate judge is critically important in the quality of judicial services provided to the public.

Standards

During 1987, court officials and Magistrate Commission members joined in a statewide effort to adopt standards covering recruitment, selection and evaluation of magistrate judges. The standards guarantee that picking a magistrate will be an open, fair process, designed to seek out and hire the most qualified applicant.

Under the standards, recruitment must include published notices and adequate time for applying--long enough so that lawyers throughout the state would have a reasonable opportunity to submit an application for consideration. Selection standards require extensive background checks, including income tax and Bar discipline records. In addition to public comment, evaluations on each applicant are sought from attorneys with whom they have practiced. Results of evaluations are tabulated by computer, and submitted to each Magistrate Commission member.

Once hired, magistrates are subject to a unique evaluation process. After their first year on the bench, lawyers in their area are polled to determine whether the judge's performance has been satisfactory. Judges are counseled, (or could be removed), if the results of the evaluation are unfavorable. Magistrate judges are the only elected officials in Idaho who undergo such a process.

Manual and Training

The newly adopted standards and other information were published in an orientation manual for Commission members during 1987. Most Commission members also attended regional training seminars, focused on the structure of the judiciary and Commission duties, and work was begun on a training video designed to improve interviewing techniques.

Today, merit selection is the primary emphasis in picking judges. With the improvement in judicial salaries, have come better applicants for magistrate judge positions. It's clear that the quality and dedication of Idaho's Magistrate Commissions has improved as well.

MAGISTRATE COMMISSIONS AT A GLANCE

Membership

Administrative District Judge, chair. One county commissioner from each county in judicial district. Three mayors, two private citizens, two attorneys (non-voting members).

* * * *

Duties

1. Determine number and location of magistrates (subject to legislative approval.)
2. Appoint magistrates on non-partisan merit basis.
3. Conduct studies for the improvement of justice.

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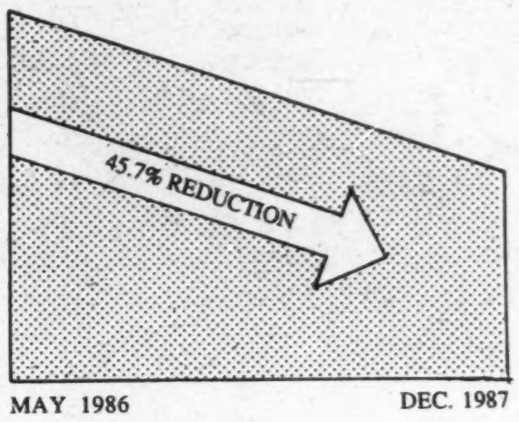
TRIAL COURT DELAY REDUCTION CONTINUES

In spite of record filings in the Idaho trial courts, trial judges around the state continued to reduce the number of cases exceeding the adopted time standards. With cooperation from public and private lawyers, and with the aid of district court clerks and their deputies, district judges and magistrates scheduled status conferences, held pretrial settlement meetings, and backed each other up where multiple cases were set on calendars, in a concerted statewide effort to expedite case processing.

During the past 20 months, trial judges have focused their efforts on identifying and disposing of cases that have exceeded the adopted time standards. Special caseload reports have been developed and distributed to all trial judges that identify cases over the time standards and the progress made in reducing trial court delay has been staggering. Since May 31, 1986, the number of the cases exceeding the Supreme Court's adopted time standards has been reduced by 45.7%.



Major improvements were achieved by both the district court and magistrate division. Overall, district judges have eliminated more than 28% of the cases exceeding adopted time standards, while magistrate judges have eliminated over 48% of their cases which were over the standards.

Clearly, Idaho's trial judges have accepted the challenge of reducing delay in their courts. In so doing, they have taken a leadership role in solving the national problem of unnecessary court delay.

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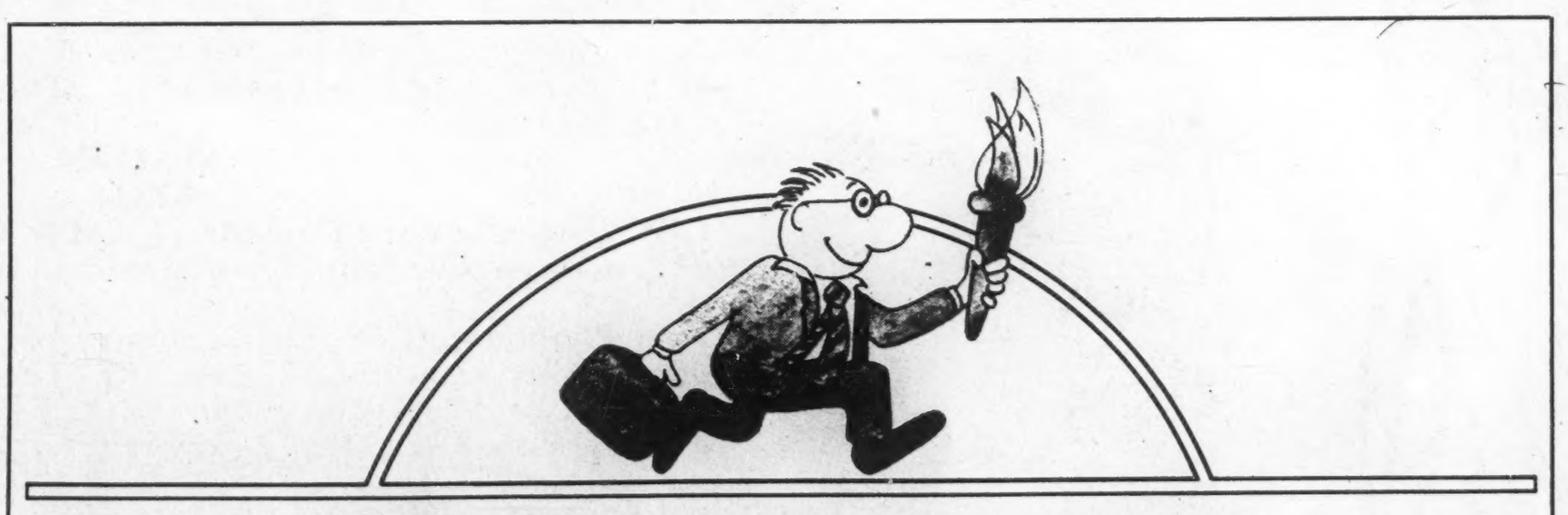
SNAKE RIVER CASE LAUNCHED . . .

(Continued from page 1) where upstream farm development has competed with downstream hydroelectric power generation use. With the signing of the commencement order, the Snake, which has had such a major impact on the commerce and agriculture of Idaho, now becomes the central focus of a court battle said to be one of the biggest water rights cases in the nation. The judge's order starts a protracted series of legal proceedings which will examine the rights of all water users, including farmers, power generators, the federal government, Indian tribes, sportsmen, and consumers, to determine which have priority claims to the waters in the main and tributary Snake River basins.

Earlier in the year, after the State Department of Water Resources had filed a petition requesting that the action begin, the Supreme Court had picked Judge Hurlbutt to preside over the adjudication and had selected Twin Falls County as the location for the lawsuit. Proceedings in the case, however, may require hearings to be held in numerous locations throughout the state. Some estimates are that as many as 180,000 individual water rights claims may be determined before the case is concluded, necessitating the appointment of numerous special masters, and hundreds (perhaps thousands) of individual claims hearings.

The early stages of the court action will concentrate on giving parties notice, and having claims initially determined by the Department of Water Resources, using every resource from recorded deeds to sophisticated satellite mapping services. The administration of the litigation promises to be at least as difficult as deciding the legal issues, and before it is all over, observers expect a small army of attorneys and water users to have marched through the Twin Falls County Courthouse.

The judge's commencement order already has been appealed in part: Hurlbutt determined that all of the Snake's tributaries should be included in the action, but several groups of water users have petitioned the Supreme Court to be excluded. The Supreme Court has signaled that it wants the case to move quickly, by expediting the appeal. Even in the state's biggest case, the court system wants to avoid unnecessary delay.



SUN VALLEY
OLYMPIC TRIALS

IDAHO STATE BAR
ANNUAL MEETING
JULY 13-15, 1988

COURT SECURITY...

(Continued from page 1)

Killeen. "We need to get this resolved," added Sixth District Judge Peter McDermott.

At the request of the late Justice Charles Donaldson and Chief Justice Allan Shepard, a statewide committee of sheriffs and court officials was formed on July 31, 1987, with representatives from the Idaho Prosecuting Attorneys Association and the Attorney General's office. The committee met several times, and made a series of unanimous recommendations to improve court security.

Legislation And Partnership

The committee recommended that the Legislature pass a statute giving courts specific statutory authority to hire security personnel (this legislation was passed by the 1988 Idaho Legislature, and signed into law by Governor Cecil D. Andrus). Further, the committee provided a basic framework for court security: protecting the peace in courthouses should be viewed as a partnership between courts and law enforcement authorities. Service of criminal arrest warrants and prisoner custody outside of court areas is the sole responsibility of the county sheriff, subject to the option to request assistance in an emergency. Courts, however, have the option of conducting certain arrest, security and prisoner custody functions in courthouses, working with sheriffs and county commissioners.

The committee supported specialized training for court security staff at the Police Officers' Standards and Training Academy, and suggested that sheriffs and judges get together to sponsor a statewide seminar on court security. They also recommended that each county should have an advisory court security committee, including judges, sheriffs, district court clerks, county commissioners, prosecutors and public defenders. Finally, the committee urged court officials to adopt hiring and training guidelines for court security personnel throughout the state. Work on these recommendations will continue in 1988.

Standing Committee Created

One recommendation of the Court Security Committee was adopted almost immediately by the Supreme Court: in December, Chief Justice Allan Shepard appointed a Standing Committee on Court Security Issues to advise the judiciary and the Idaho Sheriffs Association on court security issues, and to mediate any disputes which might arise in the future.

Events in 1987 demonstrated two things for the state courts: Idaho can't avoid modernizing security services in state courthouses; and, judges and sheriffs can accomplish more working together than either group can alone.

STANDING COMMITTEE ON COURT SECURITY ISSUES

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Vaughn Killeen, Ada County Sheriff, Vice Chairman
Hon. Jesse Walters, Chief Judge Idaho Court of Appeals
Hon. Gerald F. Schroeder, Administrative Judge, Fourth Judicial District
Hon. Gary Haman, Administrative Judge, First Judicial District
Hon. William W. Black, Trial Court Administrator, Seventh Judicial District
Hon. Garth Pincock, Acting Trial Court Administrator, Sixth Judicial District
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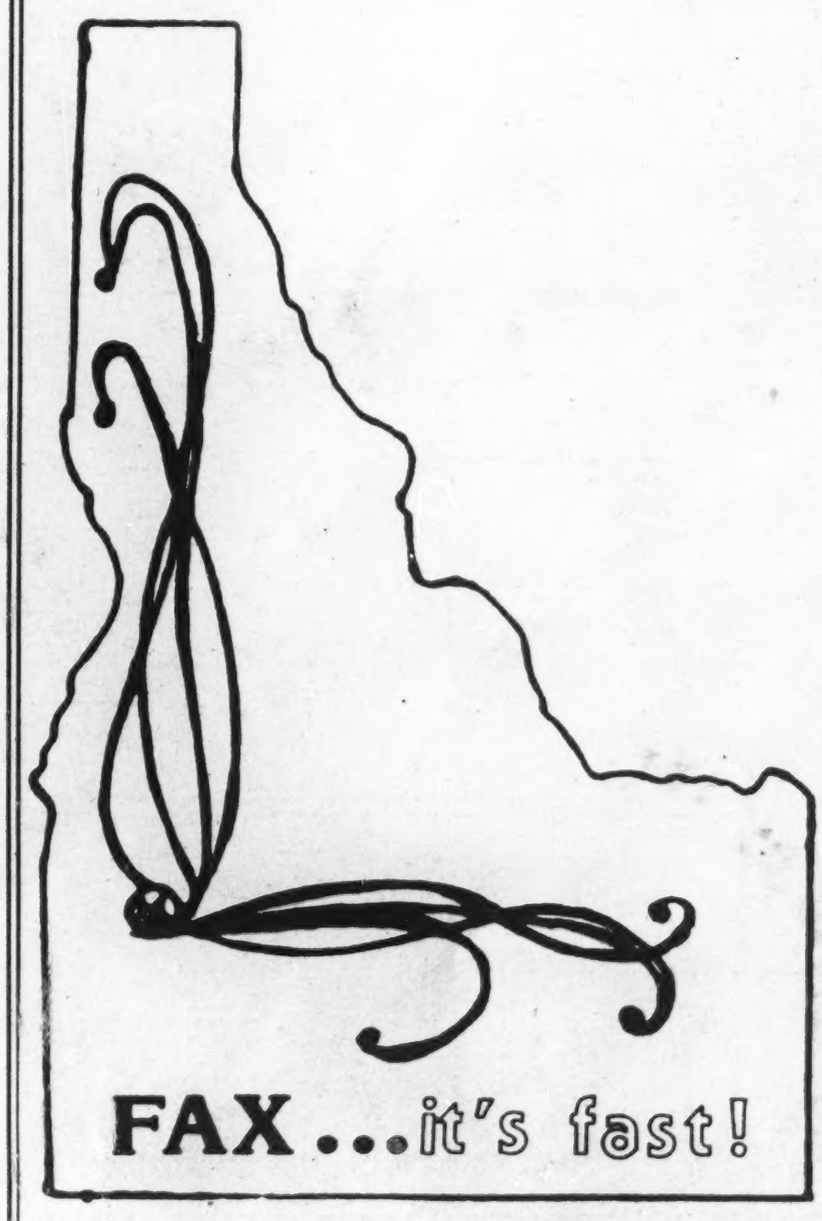

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